



June 14, 2011

Dear Honorable Committee Members:

We thank you for your time and the opportunity to present our story to this committee. Ours is a unique situation because we are the first business casualty of surely many more to come in our State unless legislative action is taken to prevent this from happening.

In deciding the landmark Kyser v Kasson Township case, the Michigan Supreme Court wrote "we further believe that overruling these cases will not result in "practical, real-world dislocations." This is wrong. Ours was an existing business that operated peacefully with the permission of the township until this case overturned over 30 years of precedent.

Once again, we appreciate your time and thank you for looking through the information contained in the booklet that details our story. We request that this Honorable committee weigh the important public interest related to this important natural resource and create legislation as the Court has suggested in order to best serve the overall interest of the State.

Very Sincerely Yours,

Andy Moyle  
Owner

Gary Moyle  
Owner

Kimberly Moyle  
Owner

# Valley View Quarry

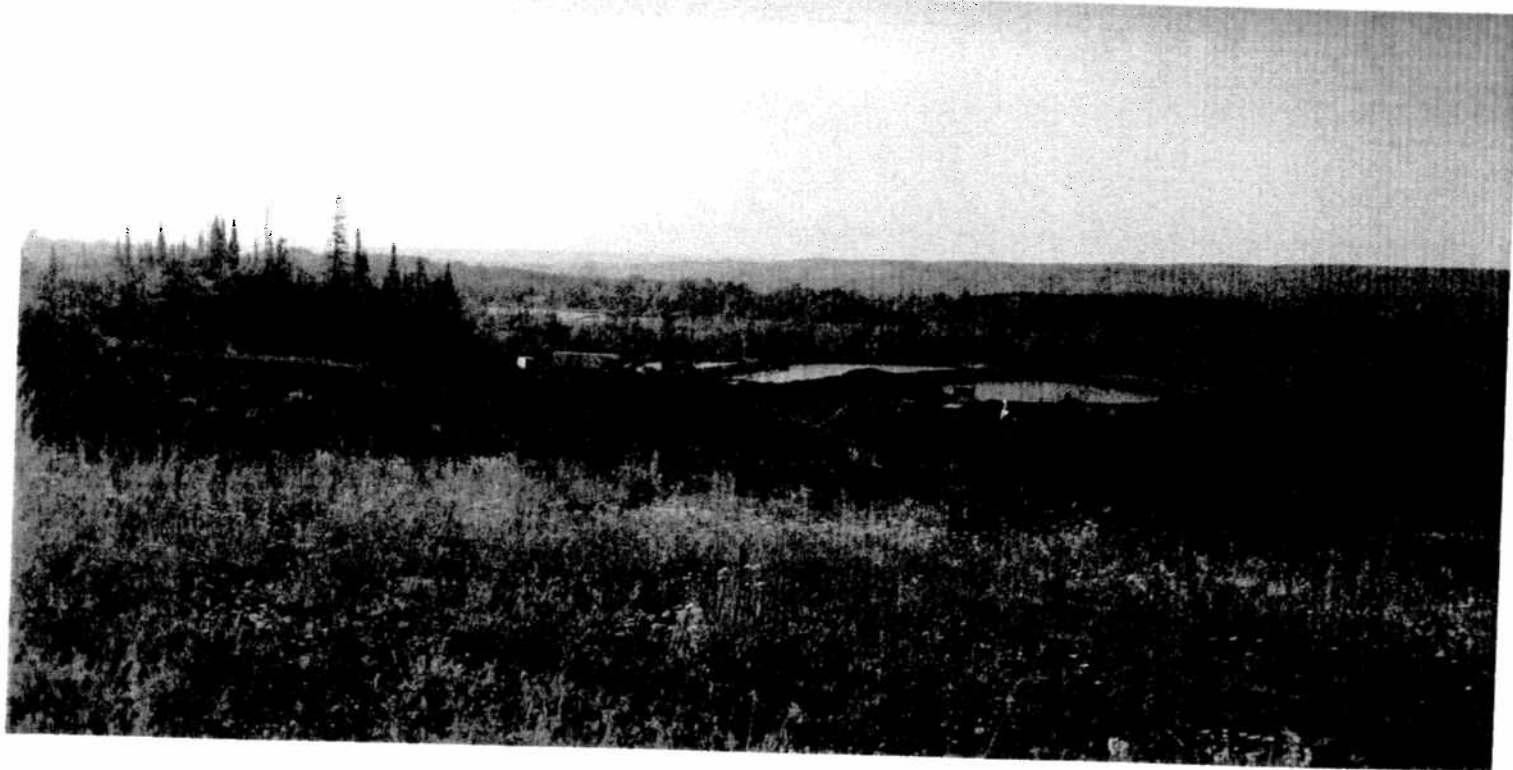
## Property Overview

### Property Facts

- 612 acre parcel surrounded by undeveloped commercial forest lands
- Actual Quarry footprint 15 acres including wash ponds located in center of parcel
- Total acreage suited for mining hard rock 90 acres. Balance of property purchased as buffer.
- No utilities service the parcel
- Township General Development Plan recognizes property as unsuitable for residential and suitable for manufacturing/mining expansion
- Closest residential structure is .45 miles or 2,300 feet from the quarry

### Valley View Quarry Facts

- 74% of VVQ output in 2010 was purchased by State agencies or local municipalities
- 51% of concrete produced from VVQ was purchased by State agencies or local municipalities
- Total purchases by State agencies or local municipalities exceed \$1,400,000 annually from VVQ or Moyle Concrete
- VVQ operates 5-8 months a year depending on demand and winter
- VVQ produces between 80,000 and 140,000 ton of aggregates annually
- VVQ blasts bedrock from an outcropping 3-4 times a year only
- VVQ is located one mile from the entrance to County Class A highway
- VVQ is in compliance with all required County, DEQ, DNR, EPA, MSHA, and MIOSHA requirements
- VVQ contains 6 miles of recreation trails accessible through 300 acres of CFA land
- VVQ has approximately 90 acres of hard rock area to be quarried over lifetime



# Valley View Quarry Property

Green Acres Road, Houghton, Michigan



## Valley View Quarry

Green Acres Road, Houghton, Michigan

Having worked with the Township over the course of 15 years, the site for Valley View Quarry was chosen because of its unique geology, its isolation from residential development, and its proximity to a Class A Highway. The site was described in the Township Development plan as unusable for residential development because of the rock to surface. Because Dodgeville was being depleted it was in the best interest of the township and area to allow the residential development to expand around Dodgeville while moving the gravel operations away from town.

All mining activities on site utilize existing rail road grades and logging roads for transport. The entire operation is located in the center of a large parcel to create the perfect buffer zone. The distance to the closest resident is approximately .45 miles or 2,300 feet.



# Valley View Quarry

## Property Overview

### Impact of Kyser Decision on VVQ

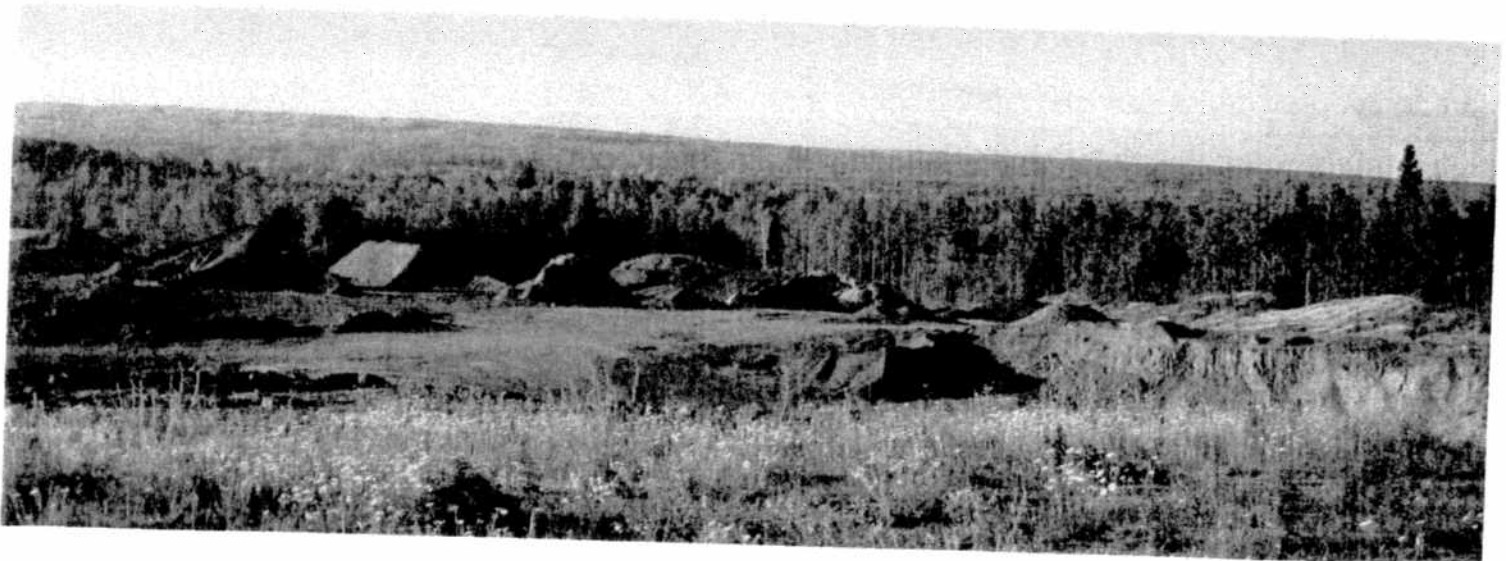
- \$2,000,000 worth of land and infrastructure purchased and developed expressly for quarrying operations sits idle
- 30 jobs lost
- Over \$700,000 in inventory on site hangs limbo
- Over \$800,000 in material supply contracts impaired and unable to be fulfilled by VVQ
- Over \$1,000,000 in crushing equipment sits idle

### Problems with Local Control over Natural Resources

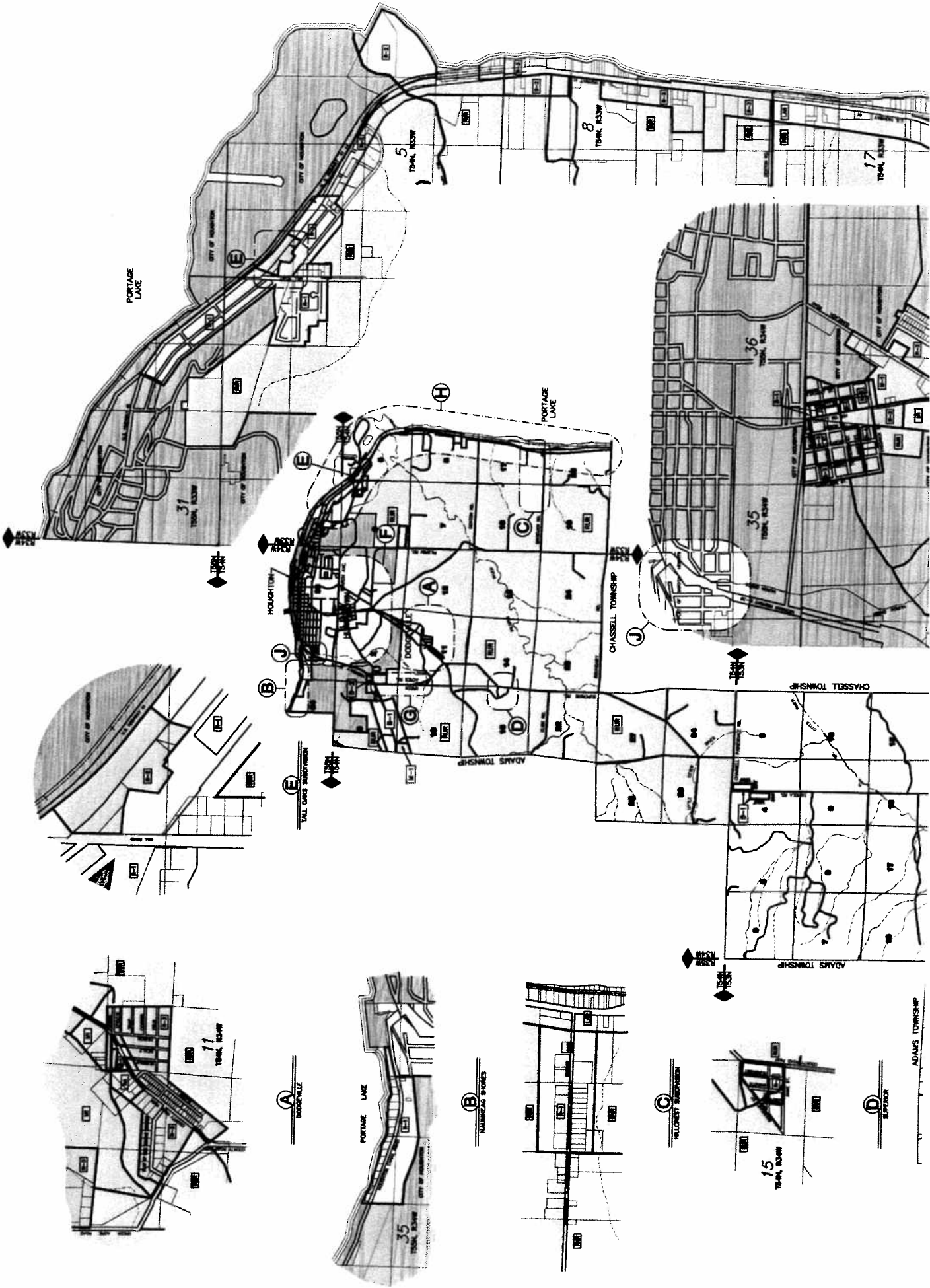
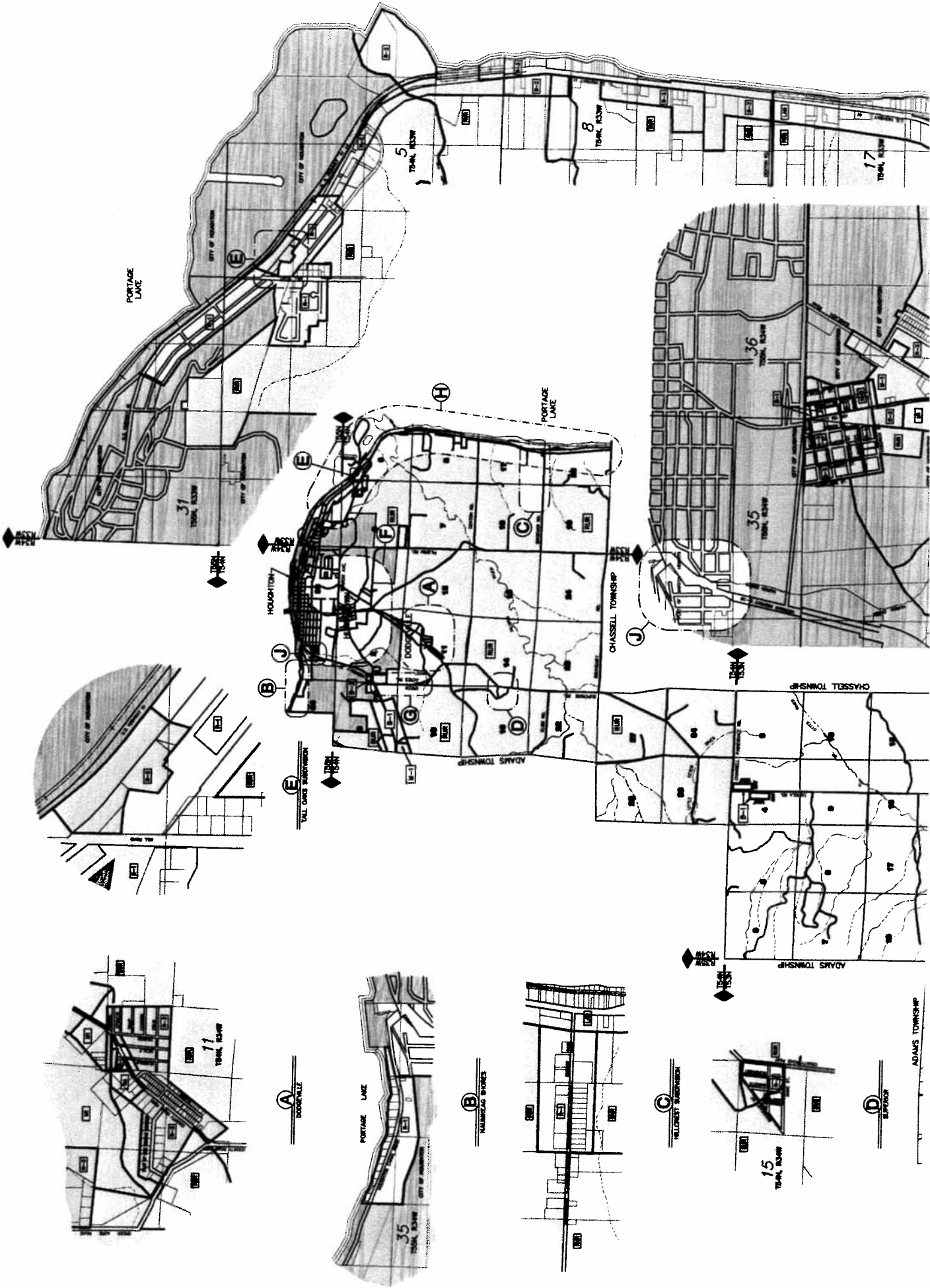
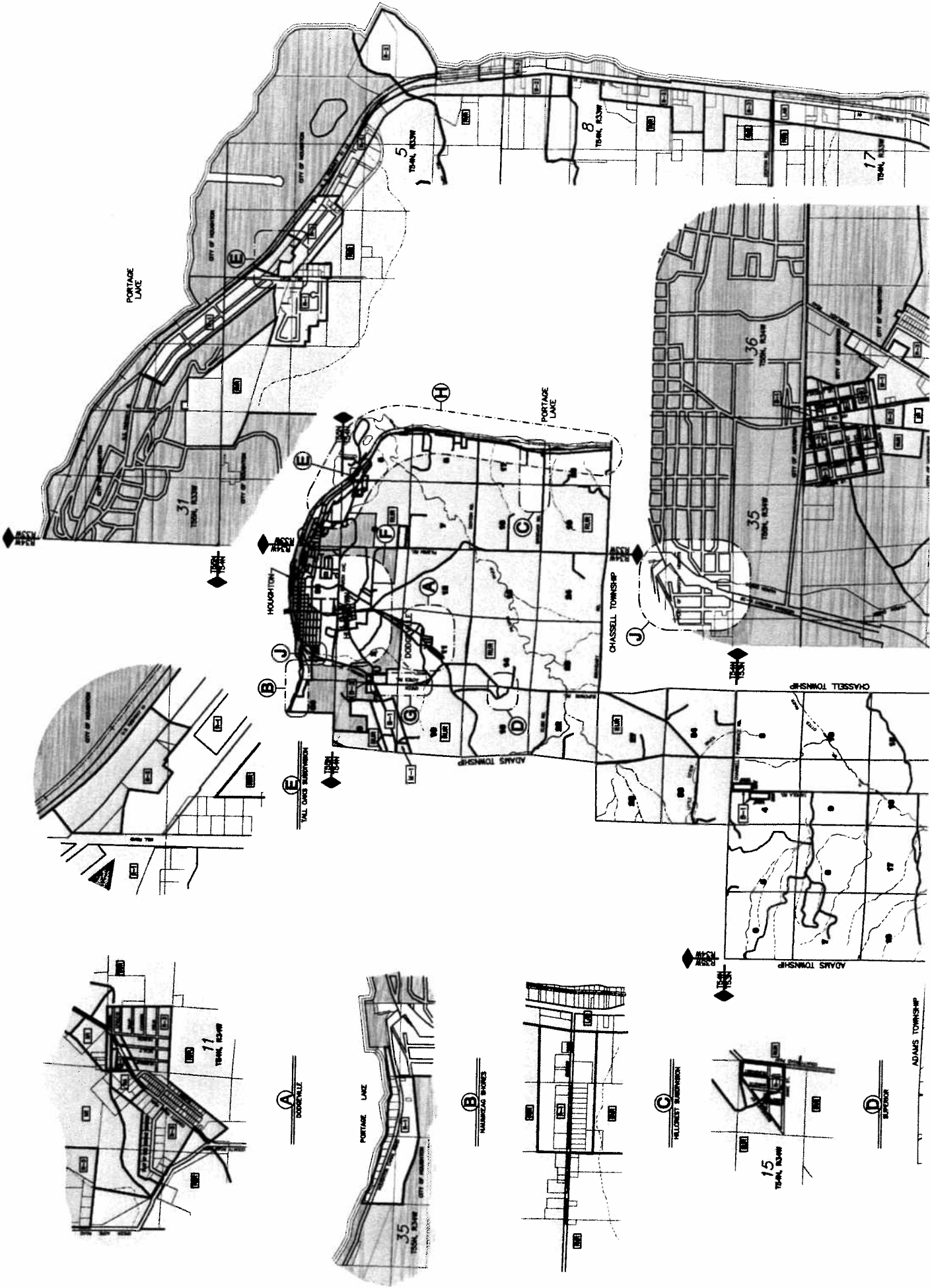
- Subject to a "Not In My Back Yard" potential for denying certain land uses
- Natural resources are only found where they exist
- They are used by a regional population despite only being found in certain areas
- Populations using the resources but not in the community where the resource exists have no voice in local government but are affected by the prohibition
- Subject to a potential for monopolizing resource production through favorable local units of government to certain producers and not others
- Restricting availability of supply raises prices. Example: 2011 local concrete price up 20% versus 2010
- Higher prices result in less demand
- Less demand means less new work or products being produced
- Less being built or produced as it relates to construction aggregates specifically means less employment

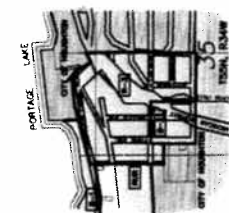
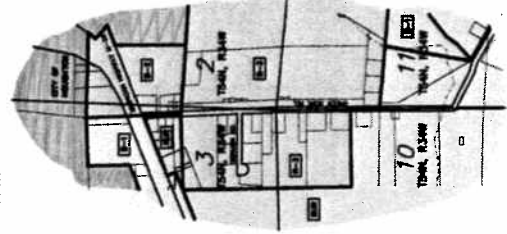
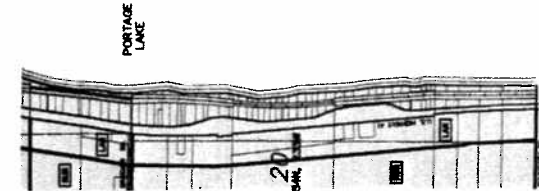
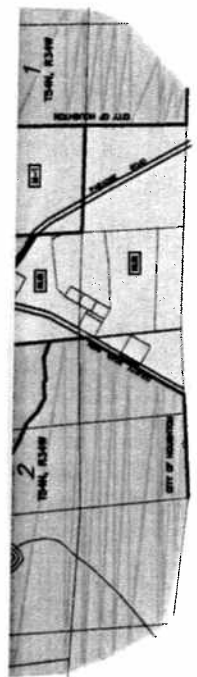
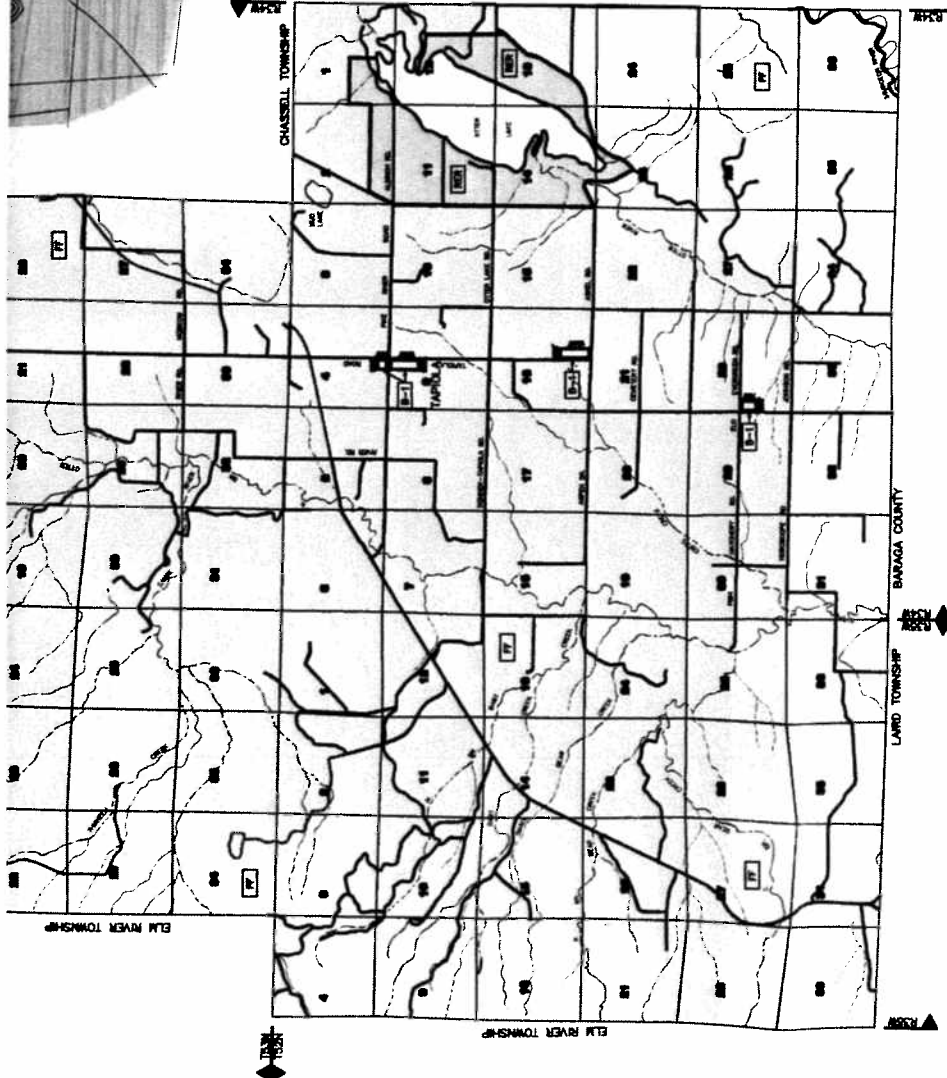
### Solution to Current Situation

- Enact legislation as the Supreme Court directs if the public interest is best served by recognizing the uniqueness of our natural resources
- Recognize that there are various State and Federal agencies that regulate extraction of natural resources already
- Reinstate the "No Very Serious Consequences" standard which allows for local control of truly local nuisance issues such as truck traffic, noise, dust, and hours of operation







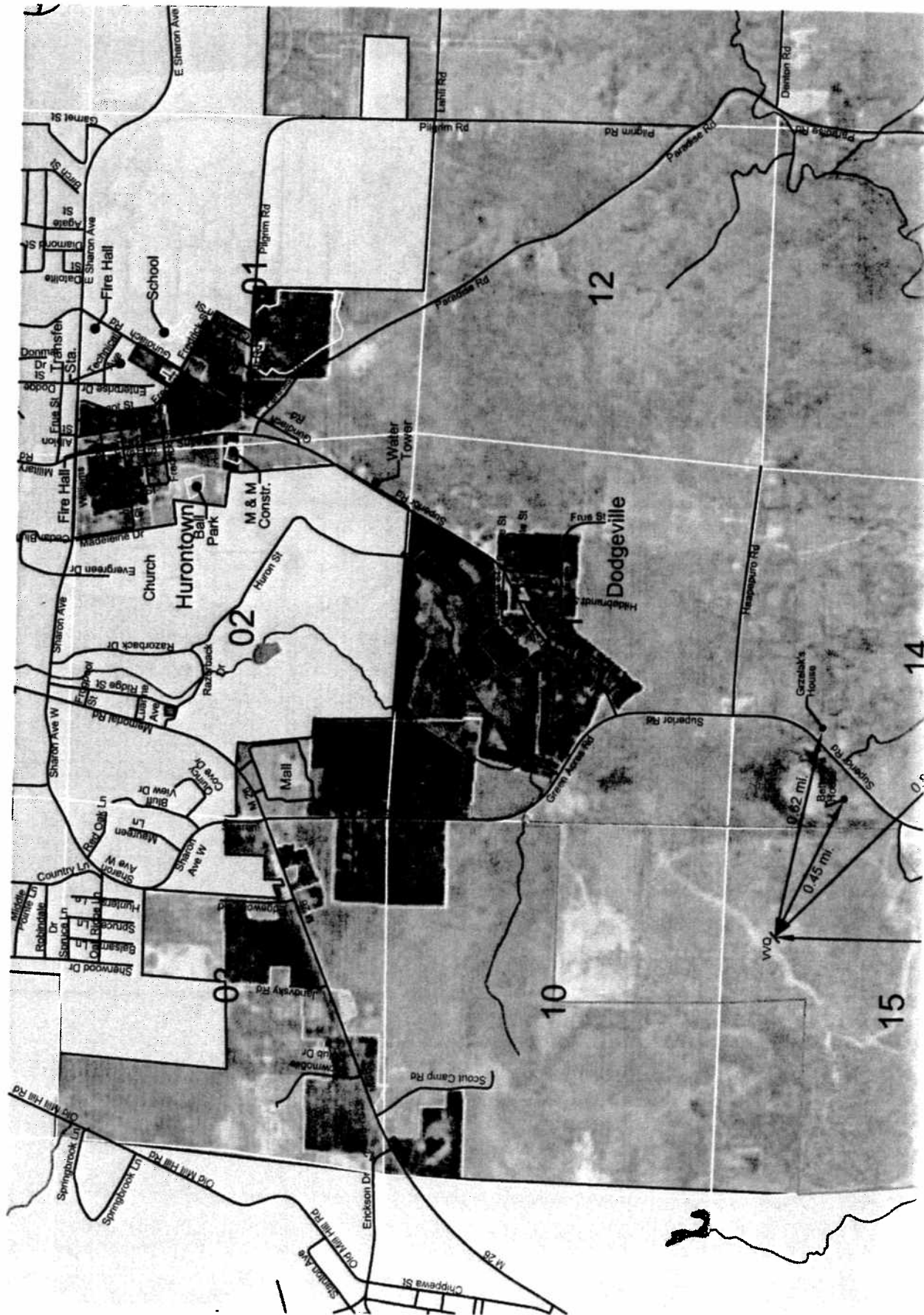


- CITY OF HOUGHTON**
- FARM AND FOREST DISTRICT
- RURAL RESIDENTIAL DISTRICT
- RESORT RESIDENTIAL DISTRICT
- LAKE SHORE RESIDENTIAL DISTRICT
- LOW DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT
- MEDIUM DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT
- HIGH DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT
- MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT
- NEIGHBORHOOD BUSINESS DISTRICT
- GENERAL BUSINESS DISTRICT
- GENERAL MANUFACTURING DISTRICT

# **OFFICIAL ZONING MAP** **PORTAGE TOWNSHIP** **HOUGHTON COUNTY, MICHIGAN**

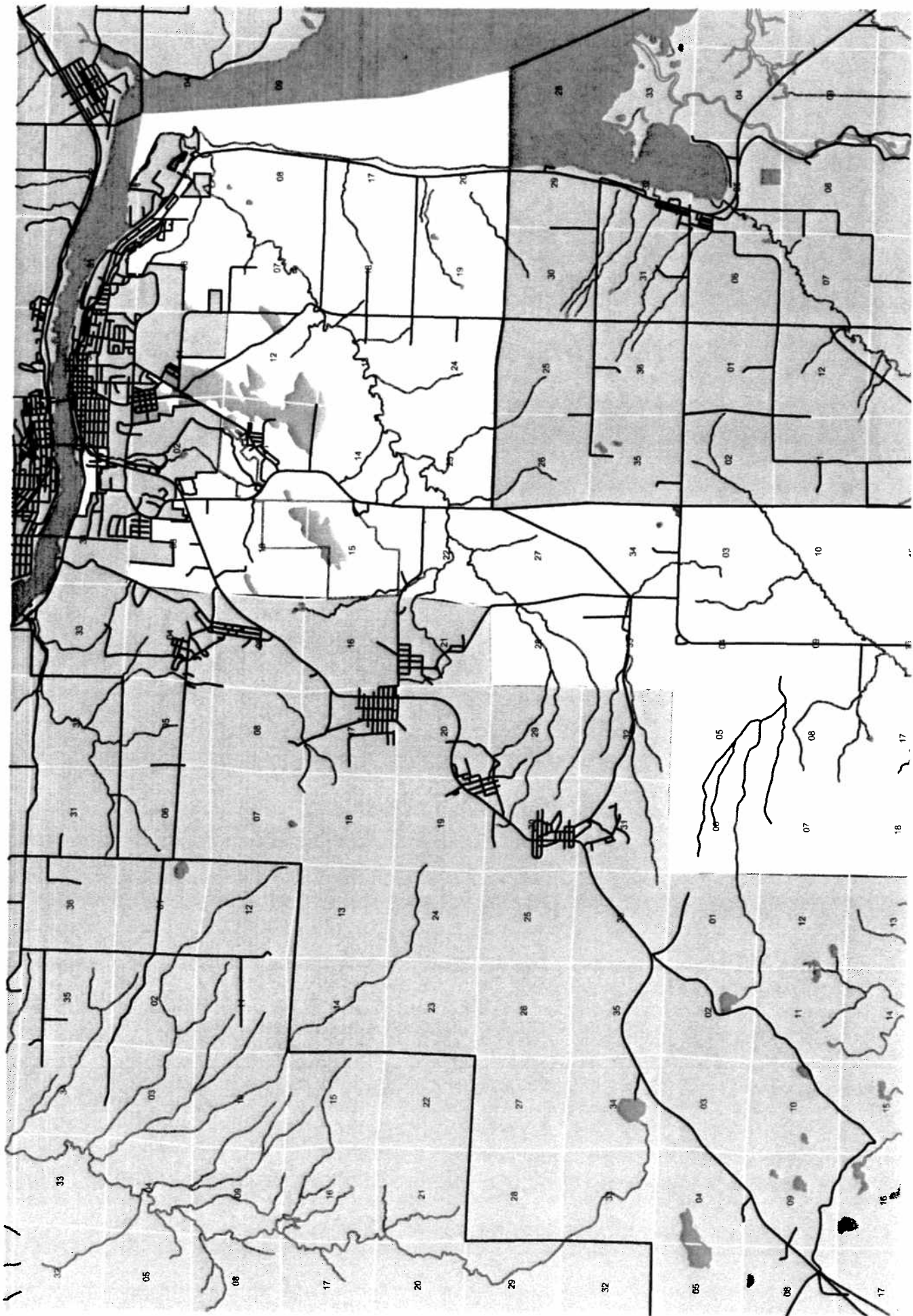
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 506.482.1002  
 506.482.1003

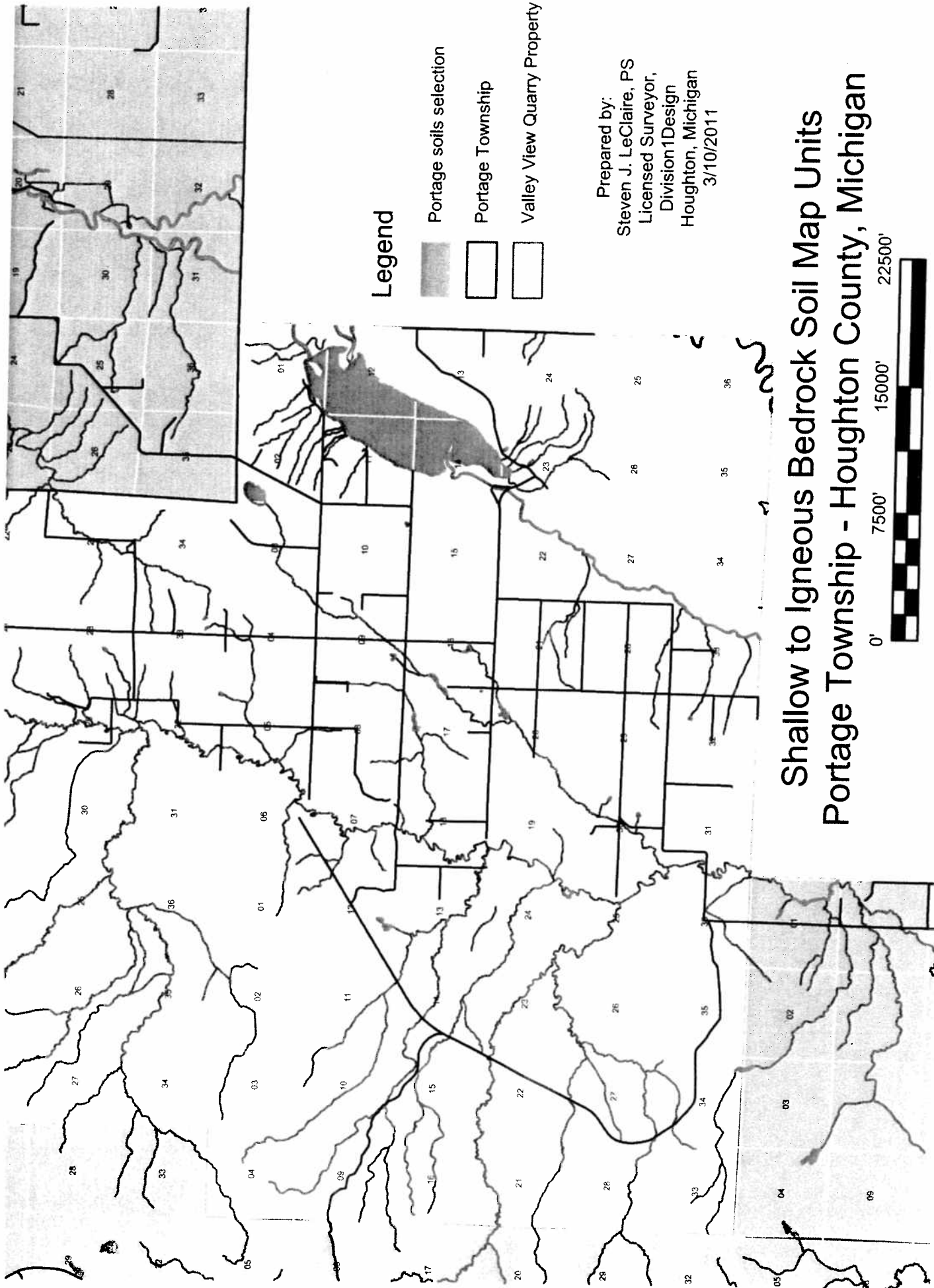
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## Legend

-  Portage soils selection
-  Portage Township
-  Valley View Quarry Property

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 Licensed Surveyor,  
 Division1Design  
 Houghton, Michigan  
 3/10/2011

# Shallow to Igneous Bedrock Soil Map Units Portage Township - Houghton County, Michigan



Soil mapping based on information provided by:

Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture.

Soil Survey Geographic (SSURGO) Database for Houghton County, MI.

Available online at <http://soildatamart.nrcs.usda.gov>. Accessed 3/02/2011.